

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 2:23-CR-243
	:	
vs.	:	
	:	
JOHN CASTILLO,	:	JUDGE SARGUS
	:	
Defendant.	:	
	:	
	:	

UNOPPOSED MOTION TO CONTINUE AND EXTEND TIME TO FILE

Defendant John Castillo, by and through counsel, respectfully moves this Court for an extension of time to file pretrial motions and to continue the final pretrial conference scheduled for March 29, 2024 at 9:00 a.m. and the jury trial scheduled for April 8, 2024 at 9:00 a.m. Counsel for the United States are unopposed to Defendant's Motion. The reasons in support of this Motion are set forth in the following Memorandum.

Respectfully submitted,

/s/ **Robert F. Krapenc**
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Counsel for Defendant

MEMORANDUM

John Castillo was indicted by a federal Grand Jury on December 19, 2023 with a single count of Possession With Intent to Distribute 5 Kilograms of More of Cocaine, in violation of 21 USC § 841(a)(1), (b)(1)(A)(ii), and a Forfeiture Allegation. He entered a plea of Not Guilty at his arraignment on February 4, 2024.

This case is currently scheduled for a final pre-trial conference on March 29, 2024 at 9:00 a.m. and a jury trial on April 8, 2024 at 9:00 a.m. (Doc. 18). Discovery was requested on February 2, 2024. Counsel for the Government has indicated that discovery will be provided promptly.

Defendant recognizes the requirements of the Speedy Trial Act of 1974, as set forth in 18 USC § 3161, *et seq.* Defendant submits that this Motion to Continue and Extend Time to File is not made for the purpose of delaying a speedy resolution of this case, but rather it is required by the need for defense counsel to have time to review the discovery materials and provide effective representation for the Defendant.

Defendant further submits the factors set forth in 18 USC § 3161 (h)(7)(B)(i) and (B)(iv) are present in this case. Due to the short period of time between the arraignment, the anticipated production of discovery by the Government, and the scheduled trial date, defense counsel believes and asserts that failure to grant the requested continuance “. . . would be likely to . . . result in a miscarriage of justice.” 18 USC § 3161(h)(7)(B)(i).

Defense counsel has exercised, and will continue to exercise, due diligence in the preparation of this case, but the current trial schedule would hinder defense counsel's ability to effectively prepare for trial. 18 USC § 3161(h)(7)(B)(iv). The Government, represented by AUSA Peter Glenn-Applegate and AUSA Elizabeth Geraghty are

unopposed to this request. Accordingly, the Motion to Continue and Extend Time to File is justified under 18 USC § 3161(h)(7)(B)(i) and (B)(iv).

It is respectfully requested this Court continue the final pre-trial conference and jury trial currently set in this case, as well as extend the time to file pre-trial motions.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was duly served upon the Assistant United States Attorney, Office of the United States Attorney, by CM/ECF System on this 8yh day of March, 2024.

/s/ Robert F.Krapenc
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Attorney for Defendant